



*Stephanie Rawlings-Blake*  
Mayor

## PLANNING COMMISSION

*Wilbur E. "Bill" Cunningham, Chairman*

### STAFF REPORT



*Thomas J. Stosur*  
Director

**January 23, 2014**

**REQUEST:** Major Subdivision Preliminary Plans/ 127 West Fort Avenue & 1500 Clarkson Street

**RECOMMENDATION:** Disapproval

**STAFF:** Eric Tiso

**PETITIONER:** West Fort Avenue, LLC and 1500 Clarkson Street, LLC, c/o Al Barry

**OWNER:** West Fort Avenue, LLC and 1500 Clarkson Street, LLC

#### **SITE/GENERAL AREA**

Site Conditions: 127 West Fort Avenue and 1500 Clarkson Street are located on the south side of West Fort Avenue, between the intersections with Race and Clarkson Streets. 127 West Fort Avenue is vacant, and 1500 Clarkson Street will be cleared for this proposed subdivision. The properties together enclose 14,775 square feet of area, and they are currently zoned R-8 residential.

General Area: These properties are located in the South Baltimore neighborhood, which is principally residential in nature. Immediately across Race Street and the railroad tracks to the west is the Spring Garden Industrial Area.

#### **HISTORY**

There are no previous legislative or Planning Commission actions regarding this site.

#### **ANALYSIS**

Project: The request is to consolidate and subdivide the properties into fourteen lots for development into thirteen townhomes plus a Home Owners Association (HOA) parcel for a shared driveway through the site.

In its consideration of the proposal, staff reviewed the following factors:

Site Plan Review Committee (SPRC): The SPRC reviewed the proposal and had no significant technical comments, other than concern for compliance with the subdivision regulations. For the majority of the proposed homes, the site will function. Final approval has not yet been granted.

Elevations: The proposal shows three-story townhomes with roof access structures that are brick clad, with traditional cornice lines. The private driveways will be secured with rolling simulated wrought iron metal gates.

Site Design: Staff is opposed to the layout of three of the units - proposed lots 35, 36, and 36A. These three lots are intended to be the largest, higher price-point units, yet they are oriented so that the front doors are facing the rears of the six units that front on West Fort Avenue. Lot 36A has a side wall on the property line against the rear yard lines of existing homes fronting on Clarkson Street, and all three are within a couple feet of the side of the existing 1505 Race Street home. Two of the lots, 36 and 36A are interior-block lots, and will have little access to light due to having walls on property lines, which will not be well relieved by a north-facing lightwell in the front facades. These lots will also not be accessible for visitors or for deliveries, as the driveways will be gated.

Zoning Regulations:

- For proposed lots 36 and 36A, these lots do not provide adequate frontage on a street. In the definition of Lot Line within the Zoning Code, front lot lines are defined as coinciding with a right-of-way line of an existing or dedicated public street. If there is no public street, it may coincide with the right-of-way line of a public or private way that is at least 50' wide, or if limited to pedestrian traffic only, at least 30' wide (§1-156). In this case, these two proposed lots are only accessible from the HOA parcel that is the shared driveway, which is 30' in width adjacent to these two lots. This proposed private way meets neither definition for Lot Lines above, in that it is neither 50' wide nor limited only to pedestrian traffic. These requirements are not listed in Title 15 of the Zoning Code as eligible for variances by either the BMZA or the Council, and the Planning Commission does not have that authority either. For this reason, staff recommends disapproval of the request.
- In this R-8 residential district, single-family attached dwellings require 750 square feet of lot area each (§4-1106.a). Proposed lots 76A, 76B, 76C, and 76D each contain slightly less area, at 673 square feet for proposed lots 76A, 76B, and 76C, and 731 square feet for proposed lot 76D. A variance of 10% and 2.5% are required.
- The maximum lot area coverage for these properties permitted is 60%, and all of the lots are proposed to have 100% lot area coverage, which requires a variance. Setbacks for various required yards are all therefore not provided, and a variance is required.
- For each dwelling unit, one parking space is required (§10-405.1), which are provided.
- Variances for the requested lot area, setbacks and lot area coverage were approved by the BMZA in their order dated July 1, 2013.

Subdivision Regulations:

- §3.2.e of the Regulations prohibits the creation of lots with no public or private frontage other than that which may exist on an alley or lane (landlocked parcels). In this case, proposed lots 36 and 36A are landlocked, since they do not have street frontage.
- §3.3.b of the Regulations require that new private streets for residential use will have a right-of-way of at least 40'. No private street is provided.

Community Notification: The following community organizations have been notified of this action: the Key Highway Task Force, Project T.O.O.U.R., and the West Federal Hill Residents & Homeowners Association, Inc.



**Thomas J. Stosur**  
**Director**